

RESPONSE UNDER
37 C.F.R. §1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 3762

Docket No. 75632/JPW/MC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Omry Ben-Ezra et al.

Serial No. : 10/560,654

Examiner: J. Dietrich

Filed : May 1, 2006

Group Art Unit: 3762

For : VAGAL STIMULATION FOR ANTI-EMBOLIC THERAPY

Mail Stop **AF**
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date: November 10, 2008

Sir:

Transmitted herewith is an amendment to the above-identified application.

 X Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.

 A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.

 No additional fee is required.

The filing fee is calculated as follows:

	Number after Amendment	Highest Number Previously Paid For ¹	Number of Extra Claims Presented	RATE			FEE	
				Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	46 -	* 50 =	*** 0 X	\$26	\$52	=	0	
Independent Claims	2 -	** 2 =	*** 0 X	\$110	\$220	=	0	
Multiple Dependent Claim(s) Presented For First Time <u> </u> Yes <u> X </u> No				\$195	\$390	=	0	
				TOTAL ADDITIONAL FEE			\$ 0	

- ¹ The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.
- * If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.
 - ** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.
 - *** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".

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Amendment Transmittal Letter

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The following are also enclosed:

☐ One additional copy of this Amendment Transmittal Letter

☒ Return Receipt Postcard

☐ An Information Disclosure Statement, including Form PTO-1449

(Copies of citations included: Yes ☐ No ☐

and a fee of \$ ☐ included)

☒ A Petition for an Extension of Time, including a fee of
\$ 65 for a Petition for 1 Month(s) Extension of Time

☐ Other (identify): _____

THE TOTAL FEE DUE IS \$ 65.

☒ A check in the amount of \$ 65 is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of
\$ _____.

☒ The Commissioner is hereby authorized to charge any additional fees
required or credit any overpayment to Deposit Account No. 03-3125
as follows:

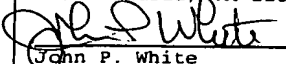
☒ Fees under 37 C.F.R. \$1.16 for the presentation of extra claims
☒ Patent application processing fees under 37 C.F.R. \$1.17

Respectfully submitted,



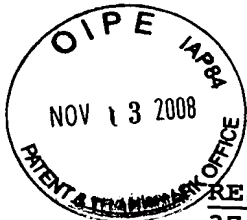
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I hereby certify that this
correspondence is being deposited this
date with the U.S. Postal Service with
sufficient postage as first class mail
in an envelope addressed to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.


John P. White
Reg. No. 28,678

Date

11/10/08



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1185 Avenue of the Americas
New York, New York 10036
November 10, 2008

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 C.F.R. §1.116 IN RESPONSE TO
JULY 9, 2008 FINAL OFFICE ACTION AND PETITION FOR A 1-MONTH
EXTENSION OF TIME

This Amendment is submitted in response to the July 9, 2008 Final Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to July 9, 2008 Final Office Action was due October 9, 2008. Applicants hereby petition for a one-month extension of time to respond. The fee for a one-month extension of time is SIXTY-FIVE DOLLARS (\$65.00) and a check including this amount is enclosed. However, since November 9, 2008 falls on a Sunday, a response filed Monday, November 10, 2008, i.e. the next business day, shall be considered timely. Accordingly, this response is being timely filed.

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Filed: May 1, 2006
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AMENDMENT IN RESPONSE TO JULY 9, 2008 FINAL OFFICE ACTION

In response to the Final Office Action dated July 9, 2008, kindly amend the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 15 of this paper.